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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 JAMES ESTAKHRIAN and ABDI NAZIRI,)
12 on behalf of themselves and all others)
13 similarly situated,)

14 Plaintiffs,)

15 v.)

16 MARK OBENSTINE, et al.)

17 Defendants.)
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Case No. CV 11-3480 FMO (CWx)

ORDER TO SHOW CAUSE RE CONTEMPT

19 Having reviewed and considered plaintiffs' Ex Parte Application for Order to Show Cause
20 Re: Contempt ("Application") and the hearing held on February 6, 2020,¹ IT IS ORDERED THAT:

21 1. Mark Obenstine shall appear before this court, **in person**, on **Thursday, February 27,**
22 **2020, at 10:00 a.m.** in courtroom 6D of the First Street Courthouse, and show cause why:

- 23 (a) he should not be held in contempt for violating the injunction issued on November
24 19, 2017, and incorporated into the Amended Judgment on July 8, 2019 ("Asset
25 Injunction"), and for failing to appear at the February 6, 2020, hearing as ordered;

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27 ¹ Although the court set a briefing scheduling regarding the Application, and ordered Mark
28 Obenstine ("Obenstine") to appear at the February 6, 2020, hearing, (see Dkt. 647, Court's Order
of January 13, 2020), Obenstine neither filed an opposition nor appeared at the hearing, although
his counsel did appear at the hearing.

- 1 (b) he should not be ordered to pay \$1,000 per day until he demonstrates full
2 compliance with the Asset Injunction;
- 3 (c) he should not be ordered to post a bond in the amount of \$100,000 as security for
4 any losses suffered by class members as a result of his violations of the Asset
5 Injunction;
- 6 (d) he should not be ordered to pay plaintiffs' counsel's fees and costs in connection
7 with the Application and related proceedings; and
- 8 (e) the court should not impose such other relief as the court may deem just and proper
9 to redress his conduct.

10 2. No later than **February 14, 2020**, Obenstine shall file a declaration, signed under
11 penalty of perjury, identifying the status of title to, and any loans or encumbrances secured by, the
12 real property located at 909 SW Schaeffer Road, West Linn, Oregon 97068 (the "Property"), and
13 specifically include all financings, refinancings or other transactions pertaining to the Property
14 since November 19, 2017. The declaration shall identify the date of each transaction. Obenstine
15 shall attach to the declaration all documents supporting his declaration.

16 3. The parties shall be prepared to proceed with an evidentiary hearing, if necessary. The
17 parties shall bring all evidence and witnesses they believe support their position.

18 4. Failure to comply with any provisions of this Order shall result in the imposition of
19 sanctions.

20 Dated this 7th day of February, 2020.

21 _____
22 /s/
23 Fernando M. Olguin
24 United States District Judge
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